

PATENT  
Attorney Docket No. 394423  
VIA FACSIMILE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Barber, William H.  
Serial No. 09/903,444  
Filed July 9, 2001  
For System and Kiosk for Commerce of  
Optical Media Through Multiple  
Locations

Examiner Sheikh, Asfand M.  
Group Art No. 3627  
Confirmation No. 9729

December 5, 2006

Mail Stop 16  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
IMPROPER CHARGE OF DEPOSIT ACCOUNT

Dear Sir:

## I. REFUND REQUEST

This is a request for a refund in the amount of \$395.00, with respect to the charge to Deposit Account 12-0600, shown on the statement dated July 21, 2006, for the above-identified patent application.

## II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

Large entity fee for Request for Continued Examination

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant is small entity rather than large entity.

## IV. MANNER OF REFUND

Please make refund of \$395.00 crediting Account No. 12-0600.

Respectfully submitted,



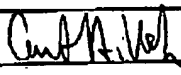
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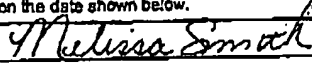
Curtis A. Vock, Reg. No. 38,356  
LATHROP & GAGE LC  
4845 Pearl East Circle, Suite 300  
Boulder, CO 80301  
Telephone: (720) 931-3000  
Facsimile: (720) 931-3001

PTO/SB/21 (09-04)  
 Approved for use through 07/31/2008. OMB 9391-0031  
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/903,444
	Filing Date	July 9, 2001
	First Named Inventor	Barber, William H.
	Art Unit	3627
	Examiner Name	Sheikh, Asfand M.
Total Number of Pages in This Submission		Attorney Docket Number 394423

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Facsimile Request for Refund Improper Charge of Deposit Account Copy of Monthly Statement of Deposit Account
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Lathrop & Gage		
Signature			
Printed Name	Curtis A. Vock		
Date	December 5, 2006	Reg. No.	35,358

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Melissa Smith	Date	December 5, 2006

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the gathering, preparing, and submitting the completed application form to the USPTO, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form call 1-800-PTO-6199 and select option 2.

## Deposit Account Statement

Page 4 of 6

07/20 181 11487850	450401	8021	\$40.00	\$38,849.0
07/20 164 11487711	452346	8021	\$40.00	\$38,809.0
07/21 18 10617934	62731	1501	\$1,400.00	\$37,409.0
07/21 17 10617934	62731	1504	\$300.00	\$37,109.0
07/21 143 11449135	449957	2051	\$65.00	\$37,044.0
07/21 144 11449306	449847	2051	\$65.00	\$36,979.0
07/21 181 11408852	445337	2051	\$65.00	\$36,914.0
07/21 107 PCT/US06/27164	451418	1601	\$300.00	\$36,614.0
07/21 109 PCT/US06/27164	451418	1702	\$1,086.00	\$35,528.0
07/21 108 PCT/US06/27164	451418	1603	\$300.00	\$35,228.0
07/21 110 PCT/US06/27164	451418	8007	\$40.00	\$35,188.0
07/21 27 10758740	414671	1401	\$500.00	\$34,688.0
07/21 28 10758740	414671	1251	\$120.00	\$34,568.0
07/21 39 60831788	452650	2005	\$100.00	\$34,468.0
07/21 58 09903444	394423	1801	\$790.00	\$33,678.0
07/21 71 11488259	439895	8021	\$40.00	\$33,638.0
07/21 109 60831985	452202	1005	\$200.00	\$33,438.0
07/21 1987 78661191	438279	7001	\$325.00	\$33,113.0
07/24 758 78515071	428715	7003	\$200.00	\$32,913.0
07/24 1122 78638036		7003	\$100.00	\$32,813.0
07/24 1131 2365468		7205	\$100.00	\$32,713.0
07/24 1132 2365468		7206	\$100.00	\$32,613.0
07/24 1137 78935490		7001	\$325.00	\$32,288.0
07/24 1143 78935495		7001	\$325.00	\$31,963.0
07/24 1145 78935497		7001	\$325.00	\$31,638.0
07/24 1148 78545033		7003	\$100.00	\$31,538.0
07/24 1150 78678062		7003	\$200.00	\$31,338.0
07/24 1152 78805958		7003	\$200.00	\$31,138.0
07/24 1158 78878058		7003	\$200.00	\$30,938.0
07/24 14 5227004	VESTCOM	1558	\$1,640.00	\$29,298.0
07/24 13 5227004	VESTCOM	1553	\$3,800.00	\$25,498.0
07/24 187 11408652	445337	8021	\$40.00	\$25,458.0
07/24 194 11449135	449957	8021	\$40.00	\$25,418.0
07/24 195 11449306	449847	8021	\$40.00	\$25,378.0
07/25 10 0148360561	444660	8014	\$25.00	\$25,353.0
07/25 69 11490568	451826	2011	\$150.00	\$25,203.0
07/25 71 11490566	451826	2311	\$100.00	\$25,103.0
07/25 70 11490566	451826	2111	\$250.00	\$24,853.0
07/25 72 11490566	451826	2202	\$75.00	\$24,778.0
07/25 173 11490593	421588	2011	\$150.00	\$24,628.0
07/25 174 11490593	421588	2111	\$250.00	\$24,378.0
07/25 175 11490593	421588	2311	\$100.00	\$24,278.0
07/25 14 60832316	451816	2005	\$100.00	\$24,178.0
07/25 1343 78936614	452744	7001	\$325.00	\$23,853.0
07/25 103 11490716	451823	2011	\$150.00	\$23,703.0
07/25 105 11490716	451823	2311	\$100.00	\$23,603.0
07/25 106 11490716	451823	2202	\$75.00	\$23,528.0
07/25 104 11490716	451823	2111	\$250.00	\$23,278.0


should be  
small entity

large  
entity

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PAGE 5/5 \* RCVD AT 12/6/2006 2:54:37 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-3/6 \* DNIS:2736500 \* CSID: \* DURATION (mm-ss):01-30

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<b>CERTIFICATE OF FACSIMILE TRANSMISSION 37 CFR 1.8</b>			<b>Matter No.</b>
Applicant(s): Barber, William H.			394423
<b>Serial No.</b>	<b>Filing Date</b>	<b>Examiner</b>	<b>Group Art Unit</b>
09/903,444	July 9, 2001	Sheikh, Asfand M.	3627
<b>Invention</b> System and Kiosk for Commerce of Optical Media Through Multiple Locations			
<p>I hereby certify that the following: Certificate of Facsimile Cover Sheet (1 page); Transmittal Form (1 page); Request for Refund Improper Charge of Deposit Account (2 pages), and Copy of Monthly Statement of Deposit Account (1 page), are being sent via facsimile transmission to (571)273-6500, c/o the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5th day of December, 2006.</p>			
<div style="text-align: right;">Melissa Smith <small>Name of Transmitter</small></div>			
<div style="text-align: right;"> <small>Signature of Transmitter</small></div>			
<div style="text-align: right;">(816) 292-2001 <small>Facsimile No.</small></div>			

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JUL 20 2006

PTO/SB/30 (04-05)

Approved for use through 07/31/2006. CMB 0631-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/303,444
Filing Date	July 9, 2001
First Named Inventor	William H. Barber
Art Unit	3627
Examiner Name	Asfand M. Sheikh
Attorney Docket Number	394423

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on June 30, 2006

ii. ☐ Other \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_
- Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. 1.17(f) required)

b. ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-08800. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee \$385 required under 37 C.F.R. 1.17(e)

ii. ☐ Extension of time fee \$1,020 (37 C.F.R. 1.129 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Curtis A. Vack</i>	Date	July 20, 2006
Name (Print/Type)	Curtis A. Vack	Registration No. (Attorney/Agent)	39,358

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature	<i>Karen Jodzio-Head</i>	Date	July 20, 2006
Name (Print/Type)	Karen Jodzio-Head		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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07/21/2006 ZJUHAR1 00000036 120600 09903444

01 FC:1801 790.00 DA  
12/14/2006 ZJUHAR1 00000002 120600 09903444

01 FC:2801 395.00 DA